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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/718,246	11/22/2000	Antonio J. Colmenarez	US000320	1668
24737	7590	02/16/2005	EXAMINER MOE, AUNG SOE	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			ART UNIT 2612	PAPER NUMBER

DATE MAILED: 02/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/718,246

Applicant(s)

COLMENAREZ ET AL.

Examiner

Aung S. Moe

Art Unit

2612

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 February 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) a set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The reply was filed after the date of filing a Notice of Appeal, but prior to the date of filing an appeal brief. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

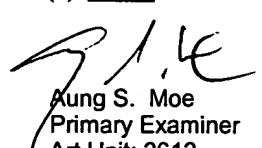
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: 1-13.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See attached.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.


Aung S. Moe
Primary Examiner
Art Unit: 2612

Response to Arguments

1. Applicant's arguments filed on 2/10/2005 have been fully considered but they are not persuasive.

In page 3, the Applicant alleged that “an aperture 102, e.g., a void, in a sub-pixel filter 130 in a video display window 140 would not be interpreted as constituting a camera element by the personal skilled in the art or under the plain meaning requirement.”

In response, the Examiner realized that the element “120” alone could not be interpreted as “camera element” as claimed, however, the camera elements as disclosed by Garrett ‘411 is limited to an element (120). In fact, as clearly shown in Figs. 5 and 6, Garrett ‘411 discloses the use of camera elements, e.g., a CCD sensor 190, a lens 180, the fibers 200 and the opening 120, thus, such elements are clearly in a common plane with the display elements, e.g., the elements 210, 150, 155, 170, as required by the present claimed invention.

Further, the Applicant alleged that “the Examiner does not explain how an aperture can have one or more imaging angles associated therewith”.

In response, it is noted that the use of alternative language (i.e., one or more) of the claimed invention require to show at least one imaging angle associated therewith, and such feature is clearly shown in Fig. 3 of Garrett ‘411 (i.e., noted the angle associated to the image detection means 60).

The Applicant's argument with respect to claim 3, as discussed above, the camera elements (i.e., 190, 180, 200 and 120) comprise CCD 190, thus, present claimed invention is anticipated by Garrett ‘411 for this reasons and the reasons discussed above.

Regarding claim 5, the Applicant alleged that "Garrett '411 has no need for collimated plates that have holes that are positioned to select an imaging angle as claimed."

In response, the Examiner respectfully disagrees because Garrett '411 clearly shows the need for selecting an imaging angle in Fig. 3, and further discloses the use of collimated plates (i.e., noted the parallel plate of LCD screen as shown in Fig. 5) that have holes (i.e., 120) for providing the imaging angle respectively so that the field of view 90 of the image detection means 60 (i.e., the camera element) is coincident with viewing filed 100 of the LCD 50.

In view of the above, the Examiner asserts that an imaging angle (i.e., noted the angle respective to the field of view 90 as shown in Fig. 3) is selected for the given camera element (60/190) by establishing a corresponding positioning of holes (120) in the collimated plates (i.e., the parallel plates as shown in Figs. 5 and 6).

In view of the above discussion, the Examiner will maintain the previous Final rejection for at least the reasons discussed above.

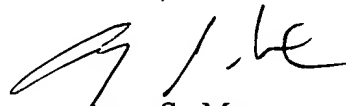
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aung S. Moe whose telephone number is 703-306-3021. The examiner can normally be reached on Mon-Fri (9-5).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 703-305-4929 (or 571-272-7308). The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Aung S. Moe
Primary Examiner
Art Unit 2612

A. Moe
February 11, 2005